

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

STATE OF DELAWARE, *ex rel.*
KATHLEEN JENNINGS, Attorney General of
the State of Delaware,

Plaintiff,

v.

BP AMERICA INC., BP P.L.C., CHEVRON
CORPORATION,
CHEVRON U.S.A. INC., CONOCOPHILLIPS,
CONOCOPHILLIPS COMPANY, PHILLIPS
66, PHILLIPS 66 COMPANY, EXXON
MOBIL CORPORATION, EXXONMOBIL
OIL CORPORATION, XTO ENERGY INC.,
HESS CORPORATION, MARATHON OIL
CORPORATION, MARATHON OIL
COMPANY, MARATHON PETROLEUM
CORPORATION, MARATHON
PETROLEUM COMPANY LP, SPEEDWAY
LLC, MURPHY OIL CORPORATION,
MURPHY USA INC.,
ROYAL DUTCH SHELL PLC, SHELL OIL
COMPANY, CITGO PETROLEUM
CORPORATION, TOTAL S.A., TOTAL
SPECIALTIES USA INC., OCCIDENTAL
PETROLEUM CORPORATION, DEVON
ENERGY CORPORATION, APACHE
CORPORATION, CNX RESOURCES
CORPORATION, CONSOL ENERGY INC.,
OVINTIV, INC., and AMERICAN
PETROLEUM INSTITUTE,

Defendants.

Civil Action No. 20-cv-01429-LPS

**STIPULATION AND [PROPOSED] ORDER FOR EXTENSION OF TIME
TO MOVE, ANSWER OR OTHERWISE RESPOND**

WHEREAS, on September 10, 2020, Plaintiff, the State of Delaware (“Plaintiff”), filed a 217-page complaint against 31 defendants in the Delaware Superior Court, C.A. No. N20C-09-097 AML CCLD;

WHEREAS, on October 23, 2020, Defendants Chevron Corp. and Chevron U.S.A., with the consent of all properly joined and served defendants, timely removed this action from Delaware Superior Court to this Court;

WHEREAS, Plaintiff intends to file a Motion to Remand, which defendants intend to oppose;

WHEREAS, defendants also intend to file threshold motions, including Motions to Dismiss pursuant to Fed. R. Civ. P. 12, and certain defendants object to the exercise of personal jurisdiction, and intend to file Motions to Dismiss pursuant to Fed. R. Civ. P. 12(b)(2) (collectively “Motions to Dismiss”);

WHEREAS, certain defendants’ Motions to Dismiss or other responses to the Complaint are currently due by October 30, 2020;

WHEREAS, the parties have met and conferred to reach an agreed-upon briefing schedule on the anticipated motion to remand and Motions to Dismiss to present to the Court for approval and require additional time to prepare such a proposed schedule;

WHEREAS, in the interim, the parties have agreed that the deadline for all defendants in this action to move, answer or otherwise respond to the Complaint shall be extended up to and including November 30, 2020;

WHEREAS, no prior extension of the time for any of the defendants to move, answer or otherwise respond to the Complaint has been requested from or granted by this Court;

WHEREAS, this extension of time will not alter the date of any event or deadline already fixed by Court order; and

WHEREAS, this stipulation is not intended to operate as an admission of any factual allegation or legal conclusion and is submitted subject to and without waiver of any right, defense, affirmative defense, or objection, including lack of subject matter jurisdiction and lack of personal jurisdiction;

NOW, THEREFORE, the parties hereby stipulate that all defendants named in this action shall have until November 30, 2020 to move, answer or otherwise respond to the Complaint.

Respectfully submitted,

Dated: October 29, 2020

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SO ORDERED:

Hon. Leonard P. Stark, District Judge